

*a 1*  
14. (Amended) A medical device and delivery system, comprising:

a shape memory alloy element having a restrained shape, a deployed shape and an associated  $M_d$  temperature, the shape memory alloy element having been deformed at or above  $M_d$  into an at least partially deformed configuration; and  
a hollow delivery system holding the at least partially deformed shape memory alloy element in its restrained shape.

*a 2*  
19. (Amended) The medical device and delivery system of claim 14, further

comprising a restraint configured to receive the shaped memory alloy at a temperature at or above  $M_d$ , wherein the shape memory alloy is a tubular member with proximal and distal ends and the restraint is secured around the shape memory alloy in its deformed configuration.

*a 3*  
21. (Amended) The medical device and delivery system of claim 20, wherein the mammalian body temperature is about 35 to 40 degrees C.

#### REMARKS

By this paper, claims 1-13 have been canceled and claims 14, 19 and 21 have been amended. Claims 14-24 are pending.

In the outstanding Office action dated March 11, 2003, claims 19 and 21 were rejected under 35 U.S.C. § 112, second paragraph. In response thereto, claim 19 has been amended to positively recite "a restraint" and claim the dependency of claim 21 has been changed. As such, it is believed that claims 19 and 21 now satisfy the requirements of § 112.